



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/518,773

12/17/2004

David N. Johnson

0275Y-000608NPB

4910

7590

02/26/2007

Christopher M Brock
Harness Dickey & Pierce
PO Box 828
Bloomfield Hills, MI 48303

EXAMINER

LANDRUM, EDWARD F

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

02/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/518,773

Applicant(s)

JOHNSON ET AL.

Examiner

Edward F. Landrum

Art Unit

3724

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER

Response to Arguments

Applicant's arguments filed 1/23/2007 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine Mattes with Leshner and Kullman, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Mattes discloses that alternating the sides of the blade that adjacent blades terminate on reduces cutting pressure acting on each individual tooth which distributes the cutting forces acting on the saw more evenly thereby increasing the life of the saw blade (Col. 3, lines 5-15). Cutting pressure is reduced on each blade because each blade is doing half of the work by only performing a cutting operation on one side of the saw blade.

Regarding claim 2, Leshner does teach a first edge surface (23) generally parallel to an axis of rotation of the annular body (5) and extending to a first end

Leshner teaches (see Figures 2, 3, and 5) an interface between the left cutting edge surface (24) and cutting edge surface (23) on a first insert (18) being closer to the left side of the blade body than an interface between the right cutting surface (37) and cutting edge surface (38) on a second insert (19) that is closer to the right side of the blade body than the interface previously described on the first insert (18). Mattes

Art Unit: 3724

teaches that is obvious to make every other tooth terminate on opposite sides of the saw blade for the purpose of reducing the cutting pressure on each tooth and thereby prolonging the life of each insert. The combination of the two teach claim 2 as Mattes is not used to teach the actual design of the insert, only that each insert terminate at opposite sides.

Regarding applicant's comments on examiner's comments about how Mattes still reads on claim 2 if it were used to teach the distance of each interface of each cutting edge with respect to the sides of the annular body. Claim 2 can be broken into two parts, the first part being: "wherein said cutting edge of each of said plurality of inserts includes an interface between said first edge surface and said angled edge surface which is closer to one side of said annular body than a second side". Figures 3-5 of Mattes do show that each interface is closer to the right side of the annular body than the left. The second part of claim 2 is: "wherein the interface of adjacent ones of said plurality of inserts are closer to alternate sides of the annular body". Figure 3 clearly shows that adjacent teeth that the interface of one tooth (between 10a and 15) is closer to the right side of the annular body than the tooth immediately following it. Likewise the interface (10 and 14) on the second tooth is closer to the to the left side of the annular body than the tooth immediately preceding it. Therefore adjacent teeth are closer to alternate sides of the annular body.